

PLANNING APPLICATIONS COMMITTEE 15 November 2018

APPLICATION NO.
18/P3342

DATE VALID
17/09/2018

Address/Site: Unit 12,
Mitcham Industrial Estate,
103 Streatham Road,
Mitcham
CR4 2AP

Ward: Graveney

Proposal: Continued use as an industrial storage unit (class B8) with additional use as a gym (class D2) (as amended by plans received 27/09/2018)

Drawing No.'s: Untitled Location Plan; 15; 22; and 25.

Contact Officer: Thomas Frankland (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- S106: N/A
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 2
- External consultations: 3
- Controlled Parking Zone: No
- Flood zone: Flood Zone 2 (part of car park)
- Conservation Area: No
- Listed building: No
- Protected Trees: 0
- Public Transport Access Level: 1b

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination because it departs from adopted planning policy and is therefore not for officers to determine under the Council's scheme of delegation to

officers.

2. SITE AND SURROUNDINGS

- 2.1 The application site is located on the south-eastern boundary of Mitcham Industrial Estate, adjoining the grounds of Beecholme Primary School. It consists of one unit (936m²) in the middle of a row of two storey industrial units. The external curtilage of the application site includes 14 dedicated parking spaces for the application premises and vehicular access to both those parking spaces and a dedicated loading bay.
- 2.2 The immediate area has a typically industrial character, despite some of the other units in the estate having been given over to non-industrial uses. Beyond the boundaries of the estate, the area is almost exclusively residential.

3. CURRENT PROPOSAL

- 3.1 The proposal is for continued use as an industrial storage facility (Class B8) with an additional use as a gym (Class D2). It is intended that the additional gym use would be a personal permission, such that in the event of the gym use ceasing, the site would return to a singular use as an industrial storage facility without the need for further planning permission. No operational development is proposed to facilitate the change of use.
- 3.2 The proposed hours of operation for the gym are as follows:

Use	Monday to Friday	Saturday	Sunday and Bank Holidays
D2 - Assembly and leisure	Start Time: 05:30 End Time: 22:00	Start Time: 09:00 End Time: 18:00	Start Time: 09:00 End Time: 17:00

- 3.3 The applicant estimates that the gym would provide employment for 17 persons full time and 8 persons part time.

4. PLANNING HISTORY

Unit 16 (application site)

1973 - MER1167/73: USE FOR ARCHITECTURAL JOINERY AND SHOP FITTING Planning permission granted.

1981 - MER61/81: SINGLE SIDED INTERNALLY ILLUMINATED SIGN ON FRONT ELEVATION OF PREMISES FOR A PERIOD OF FIVE YEARS Planning permission granted.

Unit 18 (nearby site)

2016 - 16/P0517: planning permission July 2016 for change of use of warehouse to an indoor go-karting facility. That permission was subsequently implemented and the facility is now actively operating.

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site and press notices and by post sent to neighbouring properties – no representations were received.
Internal consultees.

- 5.2 Transport Planner: No objection.
- 5.3 Environmental Health: No objection.

6. POLICY CONTEXT

6.1 London Plan (2016)

Relevant policies include:

- 2.15 Town Centres
- 4.4 Managing Industrial Land and Premises
- 4.7 Retail and Town Centre Development
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.21 Contaminated Land
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture

6.2 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

- CS 2 Mitcham Sub-Area
- CS 7 Centres
- CS 12 Economic Development
- CS 15 Climate Change
- CS 20 Parking Servicing and Delivery

6.3 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM R2 Development of Town Centre Type Uses Outside Town Centres
- DM E1 Employment Areas in Merton
- DM E4 Local Employment Opportunities
- DM D3 Alterations and Extensions to Existing Buildings
- DM EP2 Reducing and Mitigating Noise
- DM T2 Transport Impacts of Development
- DM T3 Car Parking and Servicing Standards

6.4 Supplementary planning considerations

National Planning Policy Framework 2018

- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres.
- 9. Promoting sustainable transport
- 11. Making effective use of land

Accessible London: Achieving an Inclusive Environment SPG 2014 (London Plan)

Land for Industry and Transport 2012 (London Plan)

7. **PLANNING CONSIDERATIONS**

7.1 Key planning considerations:

- Principle of development.
- Loss of employment land.
- Provision of leisure use and site suitability.
- Transport and parking.
- Sustainability.

Principle of development

7.2 Mitcham Industrial Estate is a designated Locally Significant Industrial Area. Policy DM E1 of the SPP states that such areas should be used for B1(b), B1(c), B2 and B8 uses, to the exclusion of all others. Clearly, this fundamentally conflicts with the proposed development. However, the aim of the policy is to ensure that there is an adequate supply of suitable sites and premises in locations that optimise opportunities for businesses. If it can be demonstrated that the proposed development would not conflict with this aim, it is possible that it could be supported.

7.3 The proposed gym use is classed as a “town centre” use for the purposes of the development plan. Policy CS 7 of the Core Strategy and Policy DM R2 of the SPP state that proposals which would place town centre uses in edge-of-centre or out-of-centre locations may be supported provided that they pass a sufficiently rigorous sequential test and would not harm the vitality and viability of the borough’s town centres.

Loss of Employment Land

7.4 Policy 4.4 of the London Plan, Policy CS 12 of the Core Strategy and Policy DM E1 of the SPP all seek to promote employment opportunities both locally and regionally. Policy DM E4 of the SPP favours proposals that will increase the number of employment opportunities in the borough as well the provision of more highly skilled and higher earning jobs. In the justification for this policy, Paragraph 20.12 states that “*some employment uses do not provide or increase the number of job opportunities in the borough, for instance, storage facilities (‘B8’ use within the Use Class Order).*”

7.5 The site has been vacant since September 2017 after the most recent occupier, Diesel Power Ltd, moved to alternative premises in Croydon. It is unclear what prompted the move. Following their departure, the premises was refurbished and it has been marketed continuously since by way of on site advertising boards and internet advertising. However, it has received no solid interest from any alternative B Class occupiers. The applicant advises that a significant number of potentially interested parties have been contacted as part of the ongoing marketing, but in virtually all cases none of those contacted were willing to commit to the premises. In once case a B8 operator did make an offer, only to subsequently withdraw on the basis of concerns relating to the small yard area and potential HGV congestion at peak times, which rendered the unit unfit for their intended purposes.

7.6 The Merton Employment and Economic Land Study (2010) identified that the

demand for industrial premises has been low in recent years, primarily as a result of a lack of modern premises, with much stock approaching the end of its useful life. It states that whilst there is a reasonable demand for small, modern units with good parking and high eaves heights, larger industrial units are often difficult to let.

7.7 Whilst retention of Locally Significant Industrial sites for B Class uses is a priority, it is considered that the vacant site is unlikely to be re-occupied by a B Class use in the foreseeable future. Were alternative employment generating uses not to be considered then the premises would simply add to the stock of vacant premises on the estate and officers note that Unit 12 has been vacant since last year, when the previous occupiers relocated to alternative premises outside of the borough.

7.8 Although the proposed use does not fall within a B Class, it would nonetheless be a use which would generate employment (approximately 17 full-time and 8 part-time staff). It is considered that the benefits of the use in creating employment opportunities would be of greater community and economic benefit than the unit being left vacant. Therefore, a deviation from planning policy is considered to be acceptable in this instance. Should planning permission be granted for the proposal, it is recommended that a condition be imposed requiring a return to the B8 use (or other uses compatible with the industrial estate) upon cessation of the gym use.

Provision of Leisure Use and Site Suitability

7.9 Policy CS 7 of the Core Strategy discourages development of new town centre uses on the edge or outside of designated town centres. Accordingly, Policy DM R2 of the SPP aims to focus town centre uses into the most sustainable locations, ensuring that the viability and vitality of Merton's designated town centres is not harmed. Proposals for the introduction of town centre uses in locations outside of designated town centres are required to pass an appropriately rigorous sequential test.

7.10 In the justification of Policy DM E1 of the SPP, paragraph 4.5 summarises that changes of use within Locally Significant industrial Areas will only be granted planning permission where the new development will not impact on the successful operation of existing nearby business or detrimentally harm the amenities of occupants of neighbouring buildings. The proposal must also have appropriate layout, access, parking and landscaping, as well as adequately mitigating against any adverse impacts on the adjoining highway network. Policy DM R5 of the SPP reiterates many of these requirements.

7.11 Whilst leisure and recreational facilities should ideally be located within town centres, local centres or other areas of high accessibility, the applicant's requirements are such that a large floor area (a minimum of 740m²) is required to accommodate a gym, therapy rooms, changing and staff facilities. Such large spaces are not readily available within town centres and tend to lend themselves to large commercial units such as this site.

7.12 This is supported by the other sites the applicant has considered, which in

most cases were far too small. Furthermore, the vast majority of available commercial premises within Mitcham town centre consist of single storey retail units, where the proposed use would require a consolidation of several consecutive units, something discouraged by the Council's policies.

- 7.13 The peak hours for the gym would be in the evenings and weekends, when most of the other businesses within the industrial estate are likely to be closed or operating for limited hours. It is therefore, considered unlikely that the proposed use would interfere with the operation of the neighbouring business units and no objection has been raised from Transport officers on the issue of traffic and highways impact.
- 7.14 Although within relatively close proximity to a residential area to the south-west, it is considered that through the appropriate facility management and use of conditions, the gym could operate without having a detrimental effect on the amenities of residents. In this regard, it is noted that the existing warehouse has unrestricted hours of operation and deliveries, hence the use is not considered to have a greater impact than that which could otherwise operate on the site without planning permission.
- 7.15 The proposal will involve alterations and improvements to a warehouse, providing for a recreational facility that will generate additional employment, training and leisure opportunities on a designated employment site. The specific operational requirements of the use are considered to be commensurate with the industrial location of the site and it is considered that the managed operation of the site can safeguard the amenities of surrounding businesses and residents. Taking into consideration these factors, the proposed use of the site for a gym is considered suitable.

Transport and Parking

- 7.16 Policy CS 20 of the Core Strategy and Policy DM E1 of the SPP stipulate that new uses should have parking and access appropriate to the site and its surroundings, which would not unacceptably affect the operation of neighbouring businesses, traffic movement or road safety.
- 7.17 While the application site lies in an area with a PTAL of 1b, which is low, within 300m of the site the PTAL increases to 4, which is good. The proposals include sufficient car parking for the use proposed and likewise, cycle parking is proposed in line with policy requirements. Therefore, it is considered that the proposed development would not have a harmful impact on the safety or operation of the adjoining highway network.

8. CONCLUSION

- 8.1 It is considered that the proposed development, subject to appropriate management, would not harm the amenities of neighbouring businesses and residents. The proposal includes suitable provision for car and cycle parking and it is not considered that it would have any materially harmful effect on the safety or operation of the adjoining highway network. Having regard to this, it is considered that the potential for the development to generate employment makes it preferable to the site remaining vacant.

- 8.2 There are no other policies in the development plan which indicate the application should be refused. Therefore, it is recommended to grant planning permission subject to conditions.

RECOMMENDATION

Grant planning permission
subject to the following conditions:

1. A1: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.
2. A7: The development hereby permitted shall be carried out in accordance with the following approved plans: Untitled Location Plan; 15; and 25.
3. E05: The building shall be used only as a gym and for no other use falling within use class D2 whatsoever. In the event that the use as a gym ceases, the use shall revert to a use within Class B8 (storage and distribution).
4. D01: The D2 use hereby permitted shall operate only between the hours of 05:30 to 22:00 Monday to Friday, 09:00 to 18:00 on Saturdays, and 09:00 to 17:00 on Sundays and Bank Holidays.
5. D03: No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building.
6. D10: Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
7. H04: The vehicle parking area shown on the approved plans shall be provided before the commencement of the D2 use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose.
8. H07: The D2 use hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

[Click here](#) for full plans and documents related to this application.

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